

Eighty-Sixth Regular Session

WEDNESDAY, November 30, 1983

The chief clerk makes the following entries under the above date.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 499

Relating to abolishing the barbers examining board and the cosmetology examining board, creating the barber cosmetology examining board, granting rule-making authority and providing penalties.

By Senator Van Sistine; cosponsored by Representative Vanderperren.

To committee on Health, Education, Corrections and Human Services.

Senate Bill 500

Relating to extending eligibility for veterans benefits to veterans of United States military action in Lebanon and Grenada.

By Senator Van Sistine; cosponsored by Representative Menos.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 501

Relating to an income and franchise tax credit for allowing vocational, technical and adult education districts to use industrial equipment and authorizing those districts to make contracts for that use.

By Senators Davis, Czarnezki, Engeleiter, Lorman, Hanaway, Chilsen, Johnston and Harsdorf; cosponsored by Representatives Huelsman, Smith, Stewart, Radtke, Williams, Wimmer, Holschbach, Walling, Porter, Buettner, Nelsen, Zeuske and Moyer.

To committee on Higher Education and Economic Development.

Senate Bill 502

Relating to creating a product development authority, authorizing the issuance of bonds, providing an income tax exemption and making an appropriation.

By Senators Davis, Lorman, Chilsen, Johnston, Harsdorf and Lorge; cosponsored by Representatives Radtke, Williams, Stewart, Buettner, Rosenzweig and Schneiders.

To Joint Survey committee on Debt Management.

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Legislative Council

November 16, 1983

To the Honorable the Senate:

I am pleased to transmit to you the following report to the 1983 Legislature on legislation introduced by the Legislative Council:

RL 83-29 -- Legislation Relating to Economic Development (Assembly Bill 572)

I would appreciate your including this letter in the Journal for the information of the membership. Additional copies of this report are available, on request, in the Legislative Council offices, Room 147 North, State Capitol.

Sincerely,

BONNIE REESE

Executive Secretary

State of Wisconsin
Claims Board

November 22, 1983

Don Schneider
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Schneider:

Enclosed is the report of the State Claims Board covering claims heard on November 14, 1983.

The amounts recommended for payment under \$1000 on claims included in this report have, under the provisions of s. 16.007, Wisconsin Statutes, been paid directly by the Board.

The Board is preparing the bill(s) on the recommended award(s) over \$1,000, and will submit such to the Joint Finance Committee for legislative introduction.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature.

Sincerely,
EDWARD D. MAIN
Secretary

JOURNAL OF THE SENATE

STATE OF WISCONSIN CLAIMS BOARD

The State Claims Board conducted hearings at the State Capitol Building, Madison, Wisconsin on November 14, 1983, upon the following claims:

Claimant	Amount
Walworth Woodcraft, Inc.	\$23,544.40
Ruby Kitsemble	6,790.45

In addition, the following claims were considered and decided without hearings:

Arden Vanderkam	\$ 322.22
Jerrold Strege	294.95
Neal Corcoran	381.00
Dan Benik	28.99
Gary Grueter	18.50
Judith Lavey	131.64
Dean Rohn	48.50
Nevin Webster	30.00
John Jayne	54.40
Clifford Rogers	26.00
Florian Sieracki	7.50
Dianne Weberg	8.00
Jim Niemeier	154.20
Anita Cowie	37.00
Richard Lucas	145.95

THE BOARD FINDS:

1. Walworth Woodcraft, Inc., of Walworth, claims \$23,544.40 for refund of taxes, interest and penalties assessed by the Department of Revenue on March 13, 1980, as a result of an audit of claimant's sales records in 1979. Claimant manufacturers wooden display racks and similar products for manufacturers, distributors and wholesalers. Claimant through their attorneys, Maier and Fitzpatrick, timely petitioned the Department of Revenue for redetermination of the tax assessment on April 14, 1980. On October 30, 1981, the Department of Revenue denied the petition for redetermination which claimant received on October 31, 1981. Pursuant to s. 77.59(6)(a), Stats., the deadline for appeal to the Wisconsin Tax Appeals Commission was December 30, 1981. Claimant's attorney received and date stamped their copy of the appeal denial on November 2, 1981, and incorrectly determined the 60 day deadline for filing an appeal to the Wisconsin Tax Appeals Commission from November 2, 1981. As a result, the Wisconsin Tax Appeals Commission denied claimant's appeal as untimely. On December 29, 1982, claimant commenced an action for declaratory judgment in Dane County Circuit Court. On October 10, 1983, the Honorable Richard W. Bardwell granted the Department of Revenue's motion to dismiss the case. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable nor one which the state should assume and

pay based on equitable principles. (Member Schneider dissents)

2. Ruby Kitsemble of Ridgeway, claims \$6,790.45 for medical expenses incurred as a result of an injury she sustained on October 27, 1978. Claimant was startled and fell injuring herself as a result of a siren that sounded directly behind her from a vehicle she alleges was a white van marked, "University of Wisconsin - Department of Health & Social Services." Claimant's medical expenses were paid by her insurance company. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

3. Arden Vanderkam of Merrill, claims \$322.22 as the unreimbursed expenses incurred as a result of damages to his property and vehicle which were caused by a juvenile on escape status from Lincoln Hills School on October 2, 1982. The Board concludes that the unreimbursed damages in the amount of \$322.22 should be paid, based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(hm), Stats.

4 - 15. The following claims are for damages incurred by employes of the Waupun Correctional Institution who were held hostage by the inmates on January 31, 1983. Some of the claimants have received reimbursement from the Department of Health and Social Services for the residual value of the damaged or lost items pursuant to s. 46.062, Stats.

4. Jerrold Strege claims damages of \$250 for a ring, \$9.95 for the unreimbursed amount for watch and \$35 for cash. The Board finds that based on the lack of substantiation of the value, the amount claims for the ring should be denied. The Board concludes that the claimant should receive \$9.95 for the unreimbursed amount for the watch and because of the highly unique situation involved, the Board recommends payment of the \$35 in cash, for a total award of \$44.95, based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

5. Neal Corcoran claims damages of \$60 for cash; \$125 unreimbursed for a watch; \$10 for a watchband; \$140 for a ring and the unreimbursed amounts for a sweater, belt, pants, gloves and coat. The Board finds that the unreimbursed amounts for the sweater, belt, pants, gloves and coat should be denied. The Board concludes that the claimant should receive \$275 for his watch, watchband and ring and because of the highly unique situation involved, the Board recommends payment of the cash in the amount of \$60, for a total of \$335.00, based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

6. Dan Benik claims damages of \$12 for cash and the unreimbursed amounts for his coat, \$10; shoes, \$1.99 and gloves, \$5. The Board finds that the unreimbursed amounts for the coat, shoes and gloves should be denied. Because of the highly unique situation, the Board concludes that the claim for the cash in the amount of \$12, should be paid based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

7. Gary Grueter claims damages of \$10 for a gym bag and the unreimbursed amounts for underwear, \$1; sweatshirt, \$1; socks, \$1; ski mask, .50; coat, \$3; gloves, \$1 and stocking cap, \$1. The Board finds that the unreimbursed amounts for the above items should be denied. The Board concludes that the claim should be paid in the reduced amount of \$10, for the gym bag, based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

8. Judith Lavey claims damages of \$15.65 for the replacement cost of her housekeys and locks, \$1.99 for a box of tea and the unreimbursed amount for her contact lenses, \$114.00. The Board finds that the unreimbursed amount for the contact lenses and the tea should be denied. The Board concludes that the claim should be paid in the reduced amount of \$15.65 for the housekeys and locks, based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

9. Dean Rohn claims damages of \$30 for cash, \$16.50 for a wallet and badge and the unreimbursed amount for a hunting vest, \$2.00. The Board finds that the unreimbursed amount for the vest should be denied. Because of the highly unique situation the Board concludes that the claim for cash in the amount of \$30 and \$16.50 for the wallet and badge, for a total award of \$46.50, should be paid based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

10. Nevin Webster claims damages of \$30 for two backpacks. The Board concludes the claim should be paid, based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

11. John Jayne claims damages of \$40 for cash and the replacement cost for coffee, \$5.35; creamer, \$1.35; 2 cups, \$3.00; tea, \$2.00 and a jar of honey, \$3.25. The Board finds that the claim for replacement cost of the above items should be denied. However, because of the highly unique situation the Board concludes that the claim for cash in the amount of \$40, should be paid based

on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

12. Clifford Rogers claims damages of \$20 for cash and \$6 for a pen. Because of the highly unique situation, the Board finds that the claim for cash in the amount of \$20 and the pen, \$6, for a total award of \$26, should be paid based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

13. Florian Sieracki claims damages of \$7.50 for a pen and pencil set. The Board concludes the claim should be paid based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

14. Dianne Weberg claims damages of \$2 for a key ring and the unreimbursed amounts for a coat, \$5.00 and sweater \$1.00. The Board finds the unreimbursed amounts for the coat and sweater should be denied. The Board concludes the claim in the reduced amount of \$2.00 for the key ring, should be paid based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

15. Jim Niemeier claims damages of \$150 for a typewriter and \$4.20 for drycleaning costs. The Board finds that the claim of \$150 for the typewriter should be denied. The Board concludes the claim in the amount of \$4.20 for drycleaning costs should be paid based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the Department of Health & Social Services appropriation s. 20.435(3)(a), Stats.

16. Anita Cowie of Prairie du Chien, claims \$37 for loss of money allegedly stolen on August 22, 1983, from her purse which she placed in her desk at the Green Bay Correctional Institution, where she was employed. The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employes and this claim is not one for which the state is legally liable, nor one which the state should assume and pay based on equitable principles.

17. Richard Lucas of Oshkosh, claims \$145.95 for damage to her stereo system on January 30, 1983, when a maintenance employe of the University of Wisconsin-Oshkosh was in her dormitory room to repair a broken door. The Board concludes the claim is one which the state should assume and pay in the reduced amount of \$100, based on equitable principles. The Board further concludes, under authority of s.16.007(6m), Stats., payment should be made from the University of Wisconsin appropriation s. 20.285(1)(h), Stats.

JOURNAL OF THE SENATE

THE BOARD CONCLUDES:

1. The claims of the following claimants should be denied:

Walworth Woodcraft, Inc.
 Ruby Kitsemble
 Anita Cowie

2. Payment of the following amounts to the following claims is justified under s. 16.007, Stats.:

Arden Vanderkam	\$322.22
Jerrold Strege	44.95
Neal Corcoran	335.00
Dan Benik	12.00
Gary Grueter	10.00
Judith Lavey	15.65
Dean Rohn	46.50
Nevin Webster	30.00
John Jayne	40.00
Clifford Rogers	26.00
Florian Sieracki	7.50
Dianne Weberg	2.00
Jim Niemeier	4.20
Richard Lucas	100.00

Dated at Madison, Wisconsin this
 22nd day of November, 1983.

GERALD D. KLECZKA
 Senate Finance Committee

MARLIN D. SCHNEIDER
 Assembly Finance Committee

DANAE DAVIS GORDON
 Representative of Governor

EDWARD D. MAIN
 Representative of Secretary of
 Administration

WILLIAM H. WILKER
 Representative of Attorney
 General

EXECUTIVE COMMUNICATIONS

State of Wisconsin
 Office of the Governor
 Madison, Wisconsin

November 29, 1983

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State:

Senate Bill	Act No.	Date Approved
17-----	94	---- November 29, 1983
91-----	95	---- November 29, 1983
103-----	96	---- November 29, 1983
395-----	97	---- November 29, 1983

423-----98 --- November 29, 1983
 460-----99 --- November 29, 1983

Respectfully,
 ANTHONY S. EARL
 Governor

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-236

AN ORDER to create ch. Adm 41, relating to the energy development and demonstration fund and defining procedures to be used in the administration of grant awards.

Submitted by Department of Administration.

Report received from agency, November 28, 1983.

Referred to committee on Energy and Environmental Resources, January 30, 1983.

Clearinghouse Rule 82-155

AN ORDER to repeal Ind-UC 126.01 (2) and 126.02 (7); to renumber and amend Ind-UC 126.01 (3) and 126.02 (3) to (6) and (8); to amend Ind-UC 126.01 (1), 126.02 (intro.) and (1), 126.03 and 126.05; to repeal and recreate Ind-UC 126.04; and to create Ind-UC 126.001, 126.012, 126.02 (7), 126.021 and 126.06, relating to registration for work involving union hiring hall referral.

Withdrawn by agency.

Clearinghouse Rule 83-119

AN ORDER to amend NR 10.01 (2) (f); and to repeal and recreate NR 10.29, relating to regulation for the 1984 wild turkey hunting season.

Submitted by Department of Natural Resources.

Report received from agency, November 23, 1983.

Referred to committee on Energy and Environmental Resources, November 30, 1983.

Clearinghouse Rule 83-130

AN ORDER to repeal Ind 41.12 (1) (b) Note and 41.21 (1) (b) and (f); to renumber Ind 41.12 (1) (a), 41.21 (1) (d), (e) and (g) to (m), 41.28 (1) to (4), 42.13 and chs. Ind 41 and 42; to renumber and amend Ind 41.12 (1) (b) and 41.21 (1) (c); to amend Ind 41.02 (13p), 41.05 (1) (a) and (b) 1, 41.06 (2), 41.08 (3) (a) and (b) and (5) (b), 41.10 (title) and Table 41.10-A, 41.12 (title), (1) Table 1 Note and Table 2, 41.20 (5) and (6), 41.23 (1) (d), 41.30 (2), 41.50, 41.51 (1) (intro.), 41.56, 41.71, 41.78 (2) (d), 41.99 (1), 42.01 (5) and 42.07 (intro.) Note; to repeal and recreate Ind 41.03 (3) Note, 41.14, 41.53, 41.78 (2) Table 5 and 42.01 (2) (b); and to create Ind 41.015, 41.016, 41.02 (2m), 42.05 (2) (a) 4, 41.07, 41.09, 41.105, 41.12 (1) (a) and (b), 41.28 (1), 41.57, 42.01 (4) (f) and (g), 42.11 and 42.13, relating to boilers and pressure vessels.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, November 29, 1983.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, November 30, 1983.

JOURNAL OF THE SENATE

The committee on Energy and Environmental Resources reports and recommends:

Clearinghouse Rule 83-107

AN ORDER to create NR 154.12 (7), relating to the establishment of emission limits for certain existing sources of sulfur dioxide located in Brown county.

No action taken.

JOE STROHL
Chair

The committee on Health, Education, Corrections and Human Services reports and recommends:

Clearinghouse Rule 82-178

AN ORDER to repeal Chir 1.05 (1); and to amend Chir 1.02, relating to good moral character and examination application procedures.

No action taken.

Clearinghouse Rule 83-34

AN ORDER to repeal HSS 165.14 (3) (i); to renumber and amend HSS 165.14 (3) (j); to amend HSS 165.14 (2) (intro.) and (a) and (3) (f) and 165.21 (1) and (3); to repeal and recreate HSS 165.02; and to create HSS 165.21 (5), relating to laboratory certification.

No action taken.

Clearinghouse Rule 83-38

AN ORDER to create PI 3.07 (4) (g) 46 and 47, relating to certification of teachers of social studies.

No action taken.

Clearinghouse Rule 83-39

AN ORDER to repeal and recreate PI 3.07 (4) (c) to (f), relating to adequate preparation in conservation of natural resources affecting certification in the following areas: 080 nursery, 100 kindergarten, 808 early childhood - exceptional educational needs, 42 elementary education, 200 agriculture, 600 science (comprehensive), 601 broadfield science, 605 biology or life science or both, 610 chemistry, 615 conservation, 621 science (7-9), 625 physics, 635 earth science, 637 physical science, 700 social studies (comprehensive), 701 broadfield social studies, 702 anthropology, 703 social studies (7-9), 705 civics, 710 economics, 715 geography, 720 international studies, 725 history, 735 political science, 745 sociology, 750 social problems.

No action taken.

Clearinghouse Rule 83-40

AN ORDER to repeal PI 3.07 (7) (a) 2 b and 3 b; to amend PI 3.07 (7) (a) 2 (intro.); and to repeal and recreate PI 3.07 (7) (a) 2 a and 3 (intro.) and a, relating to the reading teacher and reading specialist licenses.

No action taken.

Clearinghouse Rule 83-41

AN ORDER to repeal and recreate PI 3.07 (4) (g) 17 and 22, relating to certification of teachers of science.

No action taken.

Clearinghouse Rule 83-113

AN ORDER to amend HSS 54.01 (4) (c) and 57.04 (1), relating to child-placing agencies and group homes for children.

No action taken.

CARL W. THOMPSON
Chair

The committee on Tourism and Revenue reports and recommends:

Clearinghouse Rule 83-121

AN ORDER to repeal Tax 12.04, relating to limitation on property tax levies of towns, villages, cities and counties.

No action taken.

LLOYD H. KINCAID
Chair

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 17
Senate Bill 91
Senate Bill 103
Senate Bill 395
Senate Bill 423
Senate Bill 460

Correctly enrolled and presented to the Governor on November 25, 1983.